

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**IN RE: Acetaminophen – ASD-ADHD Products Liability
Litigation**

Docket No. 22-md-3043 (DLC)

This Document Relates To:

Case Name: M.H., individually, and Shea Hankins,
Individually, AND as Mother of M.H.

Case No.: 1:23-cv-07821

SHORT FORM COMPLAINT

I. FILING OF SHORT FORM COMPLAINT

Plaintiff(s) hereby file their Complaint by way of (select one):

☒ This Complaint is filed pursuant to Order: Direct Filing (DE 238). Plaintiff(s) hereby designate(s) the United States District Court for the Southern District of Indiana as Plaintiff(s)' home venue ("Home Venue"), as this case may have originally been filed there because:

- ☒ The APAP product(s) Plaintiff-Mother took while pregnant with Plaintiff-Minor were purchased and/or used in Seymour (city), Indiana (state).
- ☐ Plaintiff-minor was born in _____ (city), _____ (state).
- ☐ A substantial part of other events or omissions giving rise to the claim occurred there, to wit: _____.
- ☐ At least Defendant _____ is a resident of the district and all defendants are residents of the State in which that district is located.

☐ This case originally was filed in the United States District Court for the _____ and was transferred to this Court via the initial Transfer Order / Conditional Transfer Order No. _____ by the Judicial Panel on Multidistrict Litigation.

II. PLAINTIFF(S) INFORMATION

Plaintiff(s) are the following individuals (check all boxes which apply and fill out all information for selected Plaintiff(s)):

☒ Plaintiff-Mother (name): Shea Hankins

▪ State of Residence: Indiana

▪ State of Citizenship: Indiana

▪ Filing Capacity:

☒ As Guardian, on behalf of Plaintiff Child

☒ Individually

☒ Plaintiff Child #1 (full name, or initials if Plaintiff Child is currently a minor): M.H.

▪ State of Residence: Indiana

▪ State of Citizenship: Indiana

▪ Year of Birth (yyyy): 2018

▪ Injury:

☒ Autism Spectrum Disorder

☒ Attention-Deficit/Hyperactivity Disorder

☐ Plaintiff Child #2 (full name, or initials if Plaintiff Child is currently a minor): _____

▪ State of Residence: _____

▪ State of Citizenship: _____

▪ Year of Birth (yyyy): _____

▪ Injury:

☐ Autism Spectrum Disorder

☐ Attention-Deficit/Hyperactivity Disorder

☐ Other Plaintiff(s): _____

▪ Capacity to assert claim(s) (e.g., other parent, guardian, conservator, administrator, executor): _____

▪ State of Residence: _____

▪ State of Citizenship: _____

In the rare instance that Plaintiff(s) include additional Plaintiff(s) who are immediate family members or who solely assert derivative claims, but are not otherwise listed above due to space constraints, please check here and list the additional Plaintiff's name, capacity to assert claims, state of residence, state of citizenship, and pertinent factual and legal claims on a separate sheet of paper.

☐ See attached

In the rare instance that Plaintiff(s) seek(s) to include additional Plaintiff-Children, please check here and list the additional name (or initials, if the Plaintiff Child is currently a minor), state of residence, state of citizenship, year of birth, and injury on a separate sheet of paper.

☐ See attached

III. INCORPORATION OF MASTER COMPLAINT(S)

Plaintiff(s) incorporate by reference the allegations contained in the below indicated First Amended Master Long Form Complaint(s) and Jury Demand(s) filed in *In Re: Acetaminophen – ASD-ADHD Products Liability Litigation*, MDL No. 3043, on July 25, 2023:

☒ The First Amended Master Long Form Complaint and Jury Demand Against Johnson & Johnson Consumer Inc. (DE 774).

- *Note:* Plaintiffs incorporating this First Amended Master Complaint must complete Section IV.A in addition to the above sections.

☒ The First Amended Master Long Form Complaint and Jury Demand Against the Retailer Defendants (DE 773).

- *Note:* Plaintiffs incorporating this First Amended Master Complaint must complete Section IV.B in addition to the above sections.

IV. DEFENDANT(S)

A. Manufacturer Defendant

1. Plaintiff(s) allege claims against the Manufacturer Defendant selected below:

☒ **Johnson & Johnson Consumer Inc.**

Plaintiff Child #1:

- Johnson & Johnson Consumer Inc. Product(s) Mother took while pregnant with Plaintiff Child #1:

☒ Tylenol Regular[®]

- Date range Mother took Tylenol Regular[®] while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy): 11/2017-07/2018

☒ Tylenol Extra Strength[®]

- Date range Mother took Tylenol Extra Strength[®] while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy): 11/2017-07/2018

☐ Tylenol Extra Strength Rapid Release Gels[®]

- Date range Mother took Tylenol Extra Strength Rapid Release[®] while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy): _____

- ☐ Other: _____
- Date range Mother took Other Product while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy): _____

Plaintiff Child #2 (if more than one Plaintiff Child):

- Johnson & Johnson Consumer Inc. Product(s) Mother took while pregnant with Plaintiff Child #2:

- ☐ Tylenol Regular®
- Date range Mother took Tylenol Regular® while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy): _____

- ☐ Tylenol Extra Strength®
- Date range Mother took Tylenol Extra Strength® while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy): _____

- ☐ Tylenol Extra Strength Rapid Release Gels®
- Date range Mother took Tylenol Extra Strength Rapid Release® while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy): _____

- ☐ Other: _____
- Date range Mother took Other Product while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy): _____

2. Plaintiff(s) hereby adopt(s) and incorporate(s) by reference the *First Amended Master Long Form Complaint and Jury Demand Against Johnson & Johnson Consumer Inc.* as if fully set forth herein.

3. The following claims and allegations asserted in the *First Amended Master Long Form Complaint and Jury Demand Against Johnson & Johnson Consumer Inc.* are herein adopted by Plaintiff-Mother in her own right (*i.e.* not covered by claims asserted on behalf of Plaintiff Child(ren)), Plaintiff Child(ren), and/or Plaintiff-Other (check all applicable boxes below)):

Plaintiff-Mother (Individually)	Plaintiff Child #1	Plaintiff Child #2 (if more than one Plaintiff Child)	Plaintiff-Other (Individually)	Claim/Allegation
X	X			Count I: Strict Liability for Failure to Warn
X	X			Count II: Strict Liability for Design Defect Due to Inadequate Warnings and Precautions
X	X			Count III: Negligence
				Count IV: Negligent Misrepresentation By Omission (Limited to: Alabama, Alaska, Arizona, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Jersey, New Mexico, New York, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Utah, Vermont, Virginia, Washington, Washington DC, West Virginia, and Wisconsin)
X	X			Count V: Breach of Implied Warranty

4. In checking the box(es) above for which misrepresentation is an element, Plaintiff(s) adopt(s) and incorporate(s) the allegations made in the *First Amended Master Long Form Complaint and Jury Demand Against Johnson & Johnson Consumer Inc.* Any additional Plaintiff(s)-specific allegations as to the alleged misrepresentation by omission must be set forth here: _____

5. The following claims and allegations asserted are not included in the *First Amended Master Long Form Complaint and Jury Demand Against Johnson & Johnson Consumer Inc.* and are herein added to Plaintiffs' Short Form Complaint. (Please state additional claims and

the factual and legal basis for them below or on a separate sheet if more space is needed.): _____

B. Retailer Defendant(s):

1. Plaintiff(s) allege claims against the Retailer Defendants selected below.

By checking a box against a Retailer Defendant, Plaintiff(s) allege their claims arise out of the acetaminophen store brands identified in the *First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants* or otherwise specify additional products below:

☐ **7-Eleven, Inc.**

▪ Plaintiff Child #1:

- Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy): _____
- Location(s) where purchased (City, State): _____

- Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the *First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants*: _____

▪ Plaintiff Child #2 (if more than one Plaintiff Child):

- Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy): _____
- Location(s) where purchased (City, State): _____

- Store Brand Product(s) Mother took while pregnant with Plaintiff Child #2 if not identified in the *First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants*: _____

☐ **Big Lots, Inc.**

- Plaintiff Child #1:
 - Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child (mm/yyyy to mm/yyyy): _____
 - Location(s) where purchased (City, State): _____

 - Store Brand Product(s) Mother took while pregnant with Plaintiff Child if not identified in the *First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants*: _____

- Plaintiff Child #2 (if more than one Plaintiff Child):
 - Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy): _____
 - Location(s) where purchased (City, State): _____

 - Store Brand Product(s) Mother took while pregnant with Plaintiff Child #2 if not identified in the *First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants*: _____

☐ **Costco Wholesale Corporation**

- Plaintiff Child #1:
 - Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy): _____
 - Location(s) where purchased (City, State): _____

- Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the *First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants*: _____

- Plaintiff Child #2 (if more than one Plaintiff Child):

- Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy): _____

- Location(s) where purchased (City, State): _____

- Store Brand Product(s) Mother took while pregnant with Plaintiff Child #2 if not identified in the *First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants*: _____

☐ **CVS Pharmacy, Inc.**

- Plaintiff Child #1:

- Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child (mm/yyyy to mm/yyyy): _____

- Location(s) where purchased (City, State): _____

- Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the *First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants*: _____

- Plaintiff Child #2 (if more than one Plaintiff Child):

- Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy): _____

- Location(s) where purchased (City, State): _____

- Store Brand Product(s) Mother took while pregnant with Plaintiff Child #2 if not identified in the *First Amended Master Long Form Complaint*

and Jury Demand Against Retailer Defendants: _____

☐ **Dolgencorp, LLC**

- Plaintiff Child #1:
 - Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy): _____
 - Location(s) where purchased (City, State): _____

 - Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the *First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants*: _____

- Plaintiff Child #2 (if more than one Plaintiff Child):
 - Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy): _____
 - Location(s) where purchased (City, State): _____

 - Store Brand Product(s) Mother took while pregnant with Plaintiff Child #2 if not identified in the *First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants*: _____

☐ **Dollar Tree Stores, Inc.**

- Plaintiff Child #1:
 - Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy): _____
 - Location(s) where purchased (City, State): _____

 - Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the *First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants*: _____

- Plaintiff Child #2 (if more than one Plaintiff Child):

- Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy): _____
- Location(s) where purchased (City, State): _____

- Store Brand Product(s) Mother took while pregnant with Plaintiff Child #2 Two if not identified in the *First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants*: _____

☐ **Family Dollar Stores, LLC**

- Plaintiff Child #1:

- Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy): _____
- Location(s) where purchased (City, State): _____

- Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the *First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants*: _____

- Plaintiff Child #2 (if more than one Plaintiff Child):

- Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy): _____
- Location(s) where purchased (City, State): _____

- Store Brand Product(s) Mother took while pregnant with Plaintiff Child #2 if not identified in the *First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants*: _____

☐ **The Kroger Co.**

- Plaintiff Child #1:
 - Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy): _____
 - Location(s) where purchased (City, State): _____

 - Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the *First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants*: _____

- Plaintiff Child #2 (if more than one Plaintiff Child):
 - Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy): _____
 - Location(s) where purchased (City, State): _____

 - Store Brand Product(s) Mother took while pregnant with Plaintiff Child #2 if not identified in the *First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants*: _____

☐ **Rite Aid Corporation**

- Plaintiff Child #1:
 - Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy): _____
 - Location(s) where purchased (City, State): _____

 - Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the *First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants*: _____

- Plaintiff Child #2 (if more than one Plaintiff Child):

- Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy): _____
- Location(s) where purchased (City, State): _____

- Store Brand Product(s) Mother took while pregnant with Plaintiff Child #2 if not identified in the *First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants*: _____

☐ **Safeway, Inc.**

- Plaintiff Child #1:

- Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy): _____
- Location(s) where purchased (City, State): _____

- Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the *First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants*: _____

- Plaintiff Child #2 (if more than one Plaintiff Child):

- Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy): _____
- Location(s) where purchased (City, State): _____

- Store Brand Product(s) Mother took while pregnant with Plaintiff Child #2 if not identified in the *First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants*: _____

☐ **Sam's West Inc.**

- Plaintiff Child #1:
 - Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy): _____
 - Location(s) where purchased (City, State): _____

 - Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the *First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants*: _____

- Plaintiff Child #2 (if more than one Plaintiff Child):
 - Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy): _____
 - Location(s) where purchased (City, State): _____

 - Store Brand Product(s) Mother took while pregnant with Plaintiff Child #2 if not identified in the *First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants*: _____

☐ **Target Corporation**

- Plaintiff Child #1:
 - Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy): _____
 - Location(s) where purchased (City, State): _____

 - Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the *First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants*: _____

- Plaintiff Child #2 (if more than one Plaintiff Child):
 - Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy): _____
 - Location(s) where purchased (City, State): _____

 - Store Brand Product(s) Mother took while pregnant with Plaintiff Child #2 if not identified in the *First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants*: _____

☐ **Walgreen Co.**

- Plaintiff Child #1:
 - Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy): _____
 - Location(s) where purchased (City, State): _____

 - Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the *First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants*: _____

- Plaintiff Child #2 (if more than one Plaintiff Child):
 - Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy): _____
 - Location(s) where purchased (City, State): _____

 - Store Brand Product(s) Mother took while pregnant with Plaintiff Child #2 if not identified in the *First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants*: _____

☒ **Walmart Inc.**

- Plaintiff Child #1:

- Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy): 11/2017-07/2018
- Location(s) where purchased (City, State): Seymour, IN
- Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the *First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants*: _____

- Plaintiff Child #2 (if more than one Plaintiff Child):

- Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy): _____
- Location(s) where purchased (City, State): _____
- Store Brand Product(s) Mother took while pregnant with Plaintiff Child #2 if not identified in the *First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants*: _____

☐ **Other Retailer:** _____

- Plaintiff Child #1:

- Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1: _____
- Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy): _____
- Location(s) where purchased (City, State): _____

- Plaintiff Child #2 (if more than one Plaintiff Child):

- Store Brand Product(s) Mother took while pregnant with Plaintiff Child #2: _____
- Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy): _____
- Location(s) where purchased (City, State): _____

2. Plaintiff(s) hereby adopt(s) and incorporate(s) by reference the *First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants* as if fully set forth herein.

3. The following claims and allegations asserted in the *First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants* are herein adopted by Plaintiff-Mother in her own right (i.e. not covered by claims asserted on behalf of Plaintiff Child(ren)), Plaintiff Child(ren), and/or Plaintiff-Other (check all applicable boxes below):

Plaintiff-Mother (Individually)	Plaintiff Child #1	Plaintiff Child #2 (if more than one Plaintiff Child)	Plaintiff-Other (Individually)	Claim/Allegation
X	X			Count I: Strict Liability for Failure to Warn
X	X			Count II: Strict Liability for Design Defect Due to Inadequate Warnings and Precautions
X	X			Count III: Negligence
				Count IV: Negligent Misrepresentation By Omission (Limited to: Alabama, Alaska, Arizona, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Jersey, New Mexico, New York, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Utah, Vermont, Virginia, Washington, Washington DC, West Virginia, and Wisconsin)

X	X			Count V: Breach of Implied Warranty
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4. In checking the boxes above for which misrepresentation is an element, Plaintiff(s) adopt(s) and incorporate(s) the allegations made in the *First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants*. Any additional Plaintiff(s)-specific allegations as to the alleged misrepresentation by omission must be set forth here: _____

5. The following claims and allegations asserted are not included in the *First Amended Master Long Form Complaint and Jury Demand Against Retailer Defendants* and are herein added to Plaintiffs' Short Form Complaint (Please state additional claims and the factual and legal basis for them below or on a separate sheet if more space is needed): _____

V. PRAYER FOR RELIEF

WHEREFORE, Plaintiff(s) pray(s) for relief and demand(s) a trial by jury as set forth in the First Amended Master Long Form Complaint(s) and Jury Demand(s) filed in *In Re: Acetaminophen – ASD-ADHD Products Liability Litigation*, MDL No. 3043 (S.D.N.Y.), on July 25, 2023.

Dated: September 1, 2023

Respectfully submitted,

/s/ Patrick Luff

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